



# WISCONSIN REGULATORY DIGEST

## A Publication of the BARBERING AND COSMETOLOGY EXAMINING BOARD

Volume 9, No. 2

December, 1999

### **Governor Thompson Appoints New Board Members**

Karen Kraus, Eldorado, has been appointed as a public school representative replacing John Fahey. Ms. Kraus brings a wealth of knowledge about the operation of public schools. She was appointed by Governor Tommy G. Thompson to serve until July 1, 2003.

K. Denise Svetly, Reedsburg, has been appointed as the electrologist member, replacing Dr. Toni Ann Palermo. Ms. Svetly brings to the Board a wealth of knowledge about the electrology profession. She has been appointed by the Governor to serve until July 1, 2002.

John Fahey, Madison, resigned from the Board after over eight years of service as its public school representative. Dr. Toni Ann Palermo, the electrologist on the Board, was appointed on July 1, 1994. Mr. Fahey and Dr. Palermo have been valuable members of the Board and will be missed by the rest of the members.

### **The Profession Keeps "Rolling Along"**

The Board has approved a request to operate a mobile barbering and cosmetology establishment. A mobile establishment **must** obtain a license and follow all of the same rules and regulations as a non-mobile

establishment, including being available for inspections at any time by cell phone.

### **Chair or Booth Leasing**

Effective July 1, 1999, individual licensees who wish to lease a chair or booth have a couple of options. The first one is to apply for and obtain their own salon license. The second option, which is new, allows individual licensees to lease the chair or booth, without getting their own salon license, provided that the owner/manager that is leasing the space and the licensed individual enter into a lease agreement stating that the owner/manager agrees to be responsible for the licensed individual leasing the space. In other words, if an inspector finds that a leased area violates sanitation or safety rules, the owner/manager will be cited for the specific violation. If the owner/manager leasing the space does not want that responsibility, then the licensed individual leasing the chair or booth must apply for and obtain his or her own establishment license and meet the requirements of Chapter 454, Stats., and the rules of the Board.

### **Salons in Nursing Homes**

Under the recently-revised rules, salons in nursing homes do not need to obtain an establishment license when they are providing services strictly for residents of the nursing home, regardless of whether the resident is home-bound or not.

## **THE WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD**

### **Members of the Board**

Barbara Flaherty, Chair (Windsor)  
Marvile Martin, Vice (Milwaukee)  
Lorraine Norem, Secretary (Elkhorn)  
Bruce Bennett (Madison)  
Karen Kraus (Eldorado)  
Leon Lauer (Green Bay)  
Dr. Toni A. Palermo (Madison)  
Danny E. Trotter (Edgerton)  
Vacancy

### **Administrative Staff:**

Alfred J. Hall, Bureau Director

### **Executive Staff:**

Marlene A. Cummings, Secretary  
Myra Shelton, Executive Assistant

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## Revised Administrative Rules

We have selected for publication in this issue of the Regulatory Digest four chapters of the Barbering and Cosmetology rules that were revised during the past year. Please read them carefully and note the very important new definitions of such terms as “antiseptic,” “disinfectant,” “intermediate level disinfection” and “low level disinfection.” Also, note the sections of the rules in which these terms are used. Note, too, the revised rules relating to the responsibility of owners of establishments and managers, and the requirements pertaining to chair or booth leasing. There were other

rule changes relating to courses of instruction, apprenticeships, examinations, reciprocity of licensure and renewal of licenses. We do not have room for all of these changes in this issue of the Regulatory Digest; however we will provide them to persons who are affected by them at the time such persons make application for a license, a permit or an exam.

For a complete copy of all the rules, please refer to the following Web site:

<http://www.legis.state.wi.us/rsb/code/codtoc.html>

## Chapter BC 1 DEFINITIONS

### BC 1.01 Definitions.

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**BC 1.01 Definitions.** For the purposes of chs. BC 1 to 9:

(1) “Antiseptic” means a chemical that kills or inhibits the growth of organisms on skin or living tissue.

(1m) “Artificial nails” means any material other than nail polish which is added to the fingernail or toenail generated by the person’s own body, or which is used to replace the fingernail or toenail of a person.

(1v) “Board” means the barbering and cosmetology examining board.

(2) “Chemical relaxing” means the process of straightening hair by use of chemical agents.

(2m) “Chemical waving” means a system of permanent waving employing chemicals rather than heat.

(3) “Contagious” means that which can be transmitted by direct or indirect contact.

(4) “Department” means the department of regulation and licensing.

(6) “Disinfectant” means a chemical that is capable of destroying disease-causing organisms on inanimate objects, with the exception of bacterial spores.

(7) “Full time” means work which is performed for 30 hours per week or the maximum number of hours an establishment is open if the establishment is open less than 30 hours per week.

(8) “Infectious” means that which is capable of being transmitted.

(9) “Intermediate level disinfection” means application of a process that may be accomplished by any of the following:

(a) Immersion of the object to be disinfected in 70% to 90% isopropyl or ethyl alcohol for at least 10 minutes followed by air drying.

(b) Immersion of the object to be disinfected in household bleach, diluted to one tablespoon per quart of water, for at least 10 minutes (100 ppm available chlorine/ 1:250 dilution).

(c) Use of a phenolic germicidal detergent solution prepared and used according to the manufacturer’s instructions for use and dilution. Exposure time to the solution shall be at least 10 minutes.

(d) Use of an iodophor germicidal detergent solution prepared and used according to the manufacturer’s instructions for use and dilution. Exposure time to the solution shall be at least 10 minutes.

(10) “Licensee” means a person who holds a license, permit, certificate or registration issued by the board or who has the right to renew a license, permit, certificate or registration issued by the board.

(10m) “Low level disinfection” means application of a process that may be accomplished by any of the following:

(a) Immersion of the object to be disinfected in 70% to 90% isopropyl or ethyl alcohol for at least 10 minutes followed by air drying.

(b) Immersion of the object to be disinfected in household bleach, diluted to one tablespoon per quart of water, for at least 10 minutes (100 ppm available chlorine/ 1:250 dilution).

(c) Use of a phenolic germicidal detergent solution prepared and used according to the manufacturer’s instructions for use and dilution. Exposure time to the solution shall be at least 10 minutes.

(d) Use of an iodophor germicidal detergent solution prepared and used according to the manufacturer’s instructions for use and dilution. Exposure time to the solution shall be at least 10 minutes.

(e) Use of a disinfectant registered with the United States environmental protection agency with demonstrated bactericidal, germicidal and fungicidal activity, used according to manufacturer’s instructions. For hair scissors and electric clippers, use of an alcohol wipe after thorough cleaning is preferred.

(11) “Manager” means a person who holds a current license issued under s. 454.06 (3), Stats.

(12) “Owner” means the person who holds an establishment license or right to renew an establishment license.

(13) “Patron” means a person to whom services from a barber or cosmetologist, aesthetician, electrologist or manicurist are provided for compensation.

(13m) “Personal care services” means shampooing, setting, combing, brushing, cutting, chemical waving, chemical relaxing, bleaching or coloring the hair. “Personal care services” also includes electrology, manicuring and aesthetic services.

(14) “Practitioner” means a person who holds a current license to practice barbering and cosmetology issued under s. 454.06 (2), Stats.

(15) “Supervision” means regular, on-premise coordination, direction and inspection of the practice of another.

(16) “Training permit holder” means a person who holds a current training permit issued pursuant to s. 454.06 (9), Stats.

**History:** Cr. Register, July, 1989, No. 403, eff. 8–1–89; renum. (7) to (13) to be (8) to (14), cr. (7), Register, December, 1990, No. 420, eff. 1–1–91; r. and recr. (11), r. (14), renum. (12) and (13) to be (13) and (14), cr. (12), Register, May, 1993, No. 449, eff. 6–1–93; renum. (1) to (1m), cr. (1), Register, November, 1994, No. 467, eff. 12–1–94; renum. (1) to be (1m), cr. (1), (2m), (10m), (13m) and (16), r. and recr. (2) and (9), renum. and am. (5) to be (15) and am. (6), (8) and (14), Register, May, 1999, No. 521, eff. 6–1–99; correction in (1m) made under s. 13.93 (2m) (b) 1., Stats., Register, May, 1999, No. 521.

**Chapter BC 2**  
**PRACTICE AND PROFESSIONAL CONDUCT**

BC 2.02 Treatments prohibited, infectious and contagious diseases.  
BC 2.03 Practice standards.  
BC 2.04 Unauthorized practice.  
BC 2.045 Services outside of a licensed establishment.

BC 2.05 Advertising.  
BC 2.06 Responsibilities of owners.  
BC 2.07 Responsibilities of the manager.  
BC 2.08 Responsibilities of licensees.

**BC 2.01 Personal conduct.**

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89; r., Register, May, 1999, No. 521, eff. 6-1-99.

**BC 2.02 Treatments prohibited, infectious and contagious diseases.** (1) No licensee may treat any disease of the skin unless under the direction of a physician.

(2) No licensee may provide services to a patron suffering from an infectious or contagious scalp or skin disease unless the licensee takes appropriate precautions and uses safeguards to prevent the spread of the disease to other patrons and to the licensee.

(3) No licensee, having a known infectious or contagious disease, may provide a service to a patron if the licensee is, by reason of the disease, unable to safely and competently perform the service.

(4) No licensee may provide services to a patron if the licensee has a known infectious or contagious disease unless the licensee takes appropriate precautions and uses safeguards which prevent the spread of the disease to patrons.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (3), Register, May, 1999, No. 521, eff. 6-1-99.

**BC 2.03 Practice standards.** (1) Services provided by any licensee shall be performed in a manner that is consistent with basic and accepted practice standards and in accordance with all state statutes, board rules and local codes and ordinances.

(2) Licensees may provide only those services which they are competent to perform by training or experience and are licensed to provide.

(3) Licensees shall provide services to the best of their ability and make reasonable efforts to comply with requests in a manner that is satisfactory to a patron. Licensees shall not provide services to a patron without first obtaining the consent of the patron or legal guardian of the patron.

(4) Licensees may neither consume alcohol nor take controlled substances during practice, unless prescribed by a physician.

(5) Licensees shall take adequate and necessary precautions to protect the patron from health and safety hazards when performing services. Licensees shall not smoke while performing personal services on a patron.

(7) Licensees shall not engage in sexual harassment or sexual assault of a patron, former patron, employee, employer, or co-worker. In this section, "sexual harassment" and "sexual assault" have the meanings defined in ss. 111.32 (13), 940.225 (1), (2), (3) and (3m) and 948.02 (1) and (2), Stats.

**Note:** Section 111.32 (13) defines sexual harassment as "...unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. 'Sexual harassment' includes conduct directed by a person at another person of the same or opposite gender. 'Unwelcome verbal or physical conduct of a sexual nature' includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee's work performance or to create an intimidating, hostile or offensive work environment.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89; cr. (7), Register, May, 1997, No. 497, eff. 6-1-97; am. (3) and (5), r. and recr. (4) and r. (6), Register, May, 1999, No. 521, eff. 6-1-99.

**BC 2.04 Unauthorized practice.** (1) Licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology, aesthetics, electrology or manicuring.

(2) Licensees shall report to the board unauthorized or unlicensed practice or other violations of ch. 454, Stats., and chs. BC 1 to 9.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89.

**BC 2.045 Services outside of a licensed establishment.** (1) Licensees shall not provide personal care services outside of a licensed establishment except for persons who are unable to leave their homes because of illness or disability or for persons who are in hospitals, nursing homes, correctional institutions or other institutions. Licensees may provide any personal care service for inmates or patients regardless of whether it is done in a designated

area or in the personal room of an inmate, patient or infirm person within an institution or private home.

(2) Licensees shall comply with all practice standards set forth in s. BC 2.03 in providing services outside of a licensed establishment.

History: Cr., Register, May, 1999, No. 521, eff. 6-1-99.

**BC 2.05 Advertising.** (1) Advertising by licensees shall be truthful and accurate and may not mislead the public.

(2) An establishment shall either post a list of cost of services in a conspicuous place or display a sign which states: "All establishment patrons have the right to be informed of the cost of services before the services are provided."

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89.

**BC 2.06 Responsibilities of owners.** The owner of any licensed establishment shall be responsible for compliance with ch. 454, Stats., and chs. BC 2, 3 and 4. The owner shall:

(2) Provide supplies and equipment necessary to maintain safe and sanitary establishment conditions.

(3) Ensure the provision of supervision and training of apprentices, temporary permit holders and training permit holders.

(4) Maintain and provide appropriate records for apprentices, temporary permit holders, training permit holders, and practitioners, including employment records, to enable apprentices or practitioners to meet the requirements of s. 454.06 (3) (b), 440.63 (3) (a) 1. or 454.10 (2), Stats., for credentialing as a practitioner, manager or instructor.

(5) In the case of an owner of a barbering and cosmetology establishment, employ a manager who shall have direct authority over the operations of the establishment.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (2) (a) and (b), Register, May, 1993, No. 449, eff. 6-1-93; renum. and am. (1) and (2) (intro.) to be (intro.) and (2) (a) to be (5), r. (2) (b) and (c), renum. (2) (d) to be (2) and cr. (3) and (4), Register, May, 1999, No. 521, eff. 6-1-99.

**BC 2.07 Responsibilities of the manager.** (1) The licensed manager of a barbering and cosmetology establishment shall be responsible for the daily operations of an establishment and ensure that the establishment is in compliance with ch. 454, Stats., and chs. BC 3 and 4. The manager shall maintain supplies and equipment necessary to ensure safe and sanitary establishment conditions.

(1g) The manager shall train and supervise an apprentice in accordance with s. BC 6.04 (1), and to temporary permit holders and training permit holders. Supervision and training shall be conducted by a currently licensed manager or practitioner with sufficient education, training and experience to provide the supervision and training.

(1r) The manager shall maintain and provide appropriate records for apprentices, temporary permit holders, training permit holders, and practitioners, including employment records, to enable apprentices or practitioners to meet the requirements of s. 454.06 (3) (b), 440.63 (3) (a) 2., or 454.10 (2), Stats., for credentialing as a practitioner, manager or instructor.

(2) The manager shall post all required licenses, permits and notices.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (1), (2) (intro.), (e), (f) and (g), Register, May, 1993, No. 449, eff. 6-1-93; am. (1), cr. (1g) and (1r) and r. and recr. (2), Register, May, 1999, No. 521, eff. 6-1-99.

**BC 2.08 Responsibilities of licensees.** (1) Licensees holding current licenses or permits granted under ch. 454, Stats., shall:

(a) Be responsible for compliance with the sanitation and safety precautions contained in ch. BC 4.

(b) Be responsible for their own professional practice, conduct and compliance with ch. BC 2.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89; renum. from BC 2.09, Register, May, 1993, No. 449, eff. 6-1-93.

**Chapter BC 3**  
**ESTABLISHMENTS AND INSPECTIONS**

BC 3.01 Establishment requirements.  
BC 3.02 Other establishment requirements.  
BC 3.04 Establishment applications.

BC 3.05 Inspections.  
BC 3.06 Change of ownership or location.

**BC 3.01 Establishment requirements.** (1) Barbering and cosmetology, aesthetics, electrology, and manicuring shall not be practiced outside the confines of a licensed establishment except as provided in s. BC 2.045. Establishments, including floors, walls, ceilings, furniture, equipment, tools, utensils and instruments, shall at all times be in good repair and maintained in an orderly and sanitary condition.

(3) If public drinking facilities are provided, disposable drinking cups or a drinking fountain shall be available.

(4) All floor coverings in an establishment shall be kept in a clean, orderly and safe condition. Loose hair shall be removed regularly and placed in a closed container.

(5) A toilet room shall not be used as a dispensary or for the providing of services.

(6) Establishments shall provide safe and secure areas for storing, cleaning and disinfecting equipment. Poisonous substances stored in public areas shall be locked in a cabinet or closet.

(7) Plastic or metal containers of adequate size shall be provided to store all soiled linen. All soiled linen shall be properly cleaned or disposed of after use.

(8) Establishments where apprentices are trained shall provide equipment, supplies and products for all barbering and cosmetology services.

(9) No smoking shall be allowed in areas of an establishment where flammable products or materials are being used or stored.

(10) Pets shall not be kept in an establishment during business hours.

(11) Where an establishment is located in the same building as a residence, the business and living quarters shall be separate.

(12) Establishments shall provide a basin which has hot and cold running water, and a chair which is designed for the service to be provided. At least one basin shall be constructed and available to permit licensees to wash their hands prior to serving each patron and following removal of gloves. Establishments shall provide the equipment and supplies necessary to perform services offered. Basins may be shared with other establishments located on the same premises.

(13) The establishment license shall be posted in the establishment.

(14) All facilities shall be equipped with a ventilation system adequate to comply with minimal occupational safety and health standards. **Note:** See section s. Comm 64.18, Wisconsin administrative code.

**History:** Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (2) and (4), cr. (12), Register, December, 1990, No. 420, eff. 1-1-91; emerg. am. (12), eff. 8-8-91; am. (12), Register, February, 1992, No. 434, eff. 3-1-92; am. (2), (5) and (11), Register, May, 1993, No. 449, eff. 6-1-93; r. (2), am. (5), (6) and (12) and cr. (13) and (14), Register, May, 1999, No. 521, eff. 6-1-99; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1999, No. 521.

**BC 3.02 Other establishment requirements.** (1) **MANAGER REQUIRED.** The owner of a barbering and cosmetology establishment shall not operate the establishment unless a licensed manager has been employed for the establishment. The manager shall be responsible for supervising and managing the operation of the establishment. The owner and the manager shall ensure that the establishment operates in compliance with ch. 454, Stats., and rules of the board as follows:

(a) The owner of more than one establishment shall employ at least one full-time licensed manager for the establishments.

(b) The owner of a barbering and cosmetology establishment may satisfy the requirement in this section by employing a manager who also works at an establishment owned by a different person, provided the manager works full-time at each establishment where he or she is employed as manager.

(c) A manager is not required to be present in an establishment at all times when the establishment is open for business.

(2) **CHAIR OR BOOTH LEASING.** An owner may lease a chair or booth to a licensed individual as follows:

(a) A lease agreement shall be in writing.

(b) A lease of a chair or booth does not require a separate establishment license for the chair or booth if the owner and manager of the lessor establishment retain their responsibilities under subs. (1) to (3), to ensure that the leased chair or booth operates in compliance with ch. 454, Stats., and rules of the board.

**Note:** "Lease agreement" in this section includes chair and booth "rental" agreements. To avoid unintended insurance and tax consequences all parties to a lease or rental agreement are advised to consult with appropriate business advisors and government agencies.

(3) **SEPARATE ESTABLISHMENT LICENSES FOR ELECTROLOGY.** A barbering and cosmetology establishment may offer any specialty service under their license, except any licensed establishment that offers electrology shall obtain a separate electrology establishment license.

**History:** Cr. Register, July, 1989, No. 403, eff. 8-1-89; r. and recr., Register, May, 1999, No. 521, eff. 6-1-99.

**BC 3.03 Booth rental and dual licensure.**

**History:** Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (1), Register, December, 1990, No. 420, eff. 1-1-91; am. (1), renum. (2) to be (4), cr. (2) and (3), Register, May, 1993, No. 449, eff. 6-1-93; cr. (5), Register, October, 1996, No. 490, eff. 11-1-96; r. Register, May, 1999, No. 521, eff. 6-1-99.

**BC 3.04 Establishment applications.** (1) Before a person may open a new establishment, or relocate or change the ownership of an existing establishment, the person shall submit an application to the board on a form specified by the board.

(2) The board shall require identification of the owner, business address, manager, type of business, and a copy of the floor plan showing dimensions and required equipment, in addition to other information which may be needed to approve the issuance of a license.

(3) Upon approval of the application and issuance of the license in the establishment, the establishment may open for business.

(4) Falsification of any information on the application may be grounds for denial, suspension or revocation of the establishment license and subject the applicant to penalties as indicated in s. 454.16, Stats.

**History:** Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (2), Register, May, 1993, No. 449, eff. 6-1-93; am. (1), (2) and (3), Register, May, 1999, No. 521, eff. 6-1-99.

**BC 3.05 Inspections.** (1) Inspections by field representatives or agents of the board may be conducted to assure compliance with ch. 454, Stats., and chs. BC 1 to 6.

(2) Upon notification of violation, licensees shall respond within 5 days either by notifying the board of correction of the violation or presenting a proposed plan of correction for board approval.

(3) Failure to respond to a notice of violation, or to comply with a plan of correction approved by the board, is unprofessional conduct.

**History:** Cr. Register, July, 1989, No. 403, eff. 8-1-89; r. (1), renum. (2) to (4) to be (1) to (3), Register, May, 1993, No. 449, eff. 6-1-93.

**BC 3.06 Change of ownership or location.**

(1) Change of ownership of any establishment constitutes the creation of a new establishment and requires submission of an application for a new establishment license.

(2) Change of location of any establishment constitutes the creation of a new establishment and requires submission of an application for a new establishment license.

**History:** Cr. Register, May, 1999, No. 521, eff. 6-1-99.

## Chapter BC 4 SANITATION AND SAFETY

BC 4.01 Sanitation.  
BC 4.02 Equipment.  
BC 4.03 Sterilization.  
BC 4.04 Supplies.  
BC 4.05 Procedure for exposure to blood.  
BC 4.06 Precautionary procedures.

BC 4.07 Ear piercing.  
BC 4.08 Waxing.  
BC 4.09 Electrolysis.  
BC 4.10 Manicuring.

**BC 4.01 Sanitation.** (1) All areas of an establishment and the equipment, tools and implements used by licensees for services in an establishment shall be maintained in a clean, sanitary and safe condition.

(2) Licensees shall wash their hands thoroughly with soap and running water prior to serving each patron and following removal of gloves. Waterless hand washing agents are not an acceptable substitute for washing hands with soap and running water.

**History:** Cr. Register, July, 1989, No. 403, eff. 8-1-89; cr. (2), Register, May, 1999, No. 521, eff. 6-1-99.

**BC 4.02 Equipment.** Except as otherwise provided in this chapter, equipment and instruments shall be maintained as follows:

(1) Prior to use, all scissors, razors, clipper blades, tweezers and all other cutting instruments contaminated by contact with blood shall be cleaned with soap or detergent and water, dried, and disinfected with a disinfectant registered with the United States environmental protection agency as a tuberculocidal agent, used in accordance with the manufacturer's instructions. Disinfectant used for decontamination shall be changed daily and shall be kept in a covered container.

(2) Clipper blades, razors, scissors, tweezers and all other cutting instruments not contaminated by contact with blood shall be cleaned and disinfected prior to use. Disinfection may be accomplished as described in sub. (1) or by use of an EPA-registered germicidal preparation with demonstrated bactericidal, fungicidal and virucidal activity used according to manufacturer's instructions.

(3) All combs, lifts, and brushes, rollers and any other contact equipment and all clipper blades, razors, scissors, tweezers and all other cutting instruments shall be thoroughly cleaned with soap and water and then disinfected prior to use as follows:

(a) Low level disinfection is acceptable unless the item has been contaminated by contact with blood.

(b) In the event that the item is contaminated by contact with blood, a practitioner shall apply intermediate level disinfection or sterilization to the item prior to reuse.

(3a) Clean and disinfected contact equipment shall be placed in one or more covered containers. One or more separate containers shall be provided for the immediate storage of soiled contact equipment until cleaned and disinfected.

(4) Powder puffs, sponges, and emery boards and other contact equipment that cannot be cleaned with soap or detergent and water shall be disposed of following each use.

(5) All liquids, creams, powders and semi-solid substances shall be dispensed from a container in a manner which will prevent contamination of the unused portion of the substance.

(6) Shampoo bowls and basins shall be drained after each use and kept in a sanitary and safe condition.

(7) Clean towels shall be used for each patron. A neckstrip or towel shall be placed around the neck of the patron to prevent contact with the cape. The head rest of any operating chair or shampoo bowl shall be covered with fresh linen or paper for each patron.

(8) All other equipment and instruments shall be clean to sight and touch.

**History:** Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (1) and (2), Register, May, 1993, No. 449, eff. 6-1-93; am. (2), Register, March, 1994, No. 459, eff. 4-1-94; am. (3) and (4), cr. (3) (a) (b) and (3a), Register, May, 1999, No. 521, eff. 6-1-99.

**BC 4.03 Sterilization.** (1) Sterilization, as required by ss. BC 4.07, 4.09 and 4.10 shall be accomplished by use of a dry heat or steam sterilizer cleared for marketing by the food and drug administration, used according to manufacturer's instructions. If steam sterilization, moist heat, is utilized, heat exposure shall be at a minimum of 121°C., 250°F., for at least 30 minutes. If dry heat sterilization is utilized, heat exposure shall be at a minimum of 171°C., 340°F., for at least 60 minutes.

(2) Sterilizers shall be maintained in working order. Equipment should be checked periodically to ensure that it is reaching required temperatures based upon manufacturer's recommendations.

**History:** Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (1), Register, May, 1993, No. 449, eff. 6-1-93; am., Register, May, 1999, No. 521, eff. 6-1-99.

**BC 4.04 Supplies.** (1) All work stations shall be supplied with at least one of the topical antiseptics listed in s. BC 4.05 for use by licensees in case of injury.

(2) All licensees working in a licensed establishment shall be supplied with bandages and disposable gloves.

**History:** Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (1), Register, May, 1999, No. 521, eff. 6-1-99.

**BC 4.05 Procedure for exposure to blood.** (1) When any patron or licensee is exposed to blood by scissors cut, razor cut, needle stick, laceration or other exposure to broken skin or a mucous membrane, the licensee shall stop, thoroughly wash the exposed area or wound on the patron's or the licensee's body with soap and water, and disinfect the exposed area or wound with a topical antiseptic such as iodine, 70% isopropyl alcohol, or 6% stabilized hydrogen peroxide or equivalent. In the case of mucous membrane exposure, the licensee shall wash or rinse the affected area with plenty of water.

(2) A licensed establishment shall post a written protocol describing the procedure for unintentional occupational exposure to bodily fluids described in sub. (1). The protocol shall be posted in a place conspicuous to licensees.

**History:** Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (1), Register, May, 1999, No. 521, eff. 6-1-99.

**BC 4.06 Precautionary procedures.** (1) A licensee shall cover any abrasions, oozing or open lesions or wounds on his or her hands or forearms prior to patron contact. If a licensee has oozing or open lesions or weeping dermatitis on his or her hands or forearms that cannot be effectively covered, the licensee shall refrain from direct patron contact until the condition has been resolved.

(2) A licensee shall use disposable protective gloves when dealing with patrons with oozing or open lesions or weeping dermatitis. These gloves shall be changed between patrons and disposed of after use. Gloves shall be removed upon completion of patron services, and hands washed after glove removal.

**Note:** It is recommended that licensees use protective gloves in handling caustic chemicals such as permanent waving solution and neutralizer or hair straightening preparations. The handling of these substances without protection can cause skin damage which may provide a route for infection to be transmitted to the licensee.

(3) Licensees shall carefully bag and dispose of paper products contaminated with blood and thoroughly cleanse and disinfect linens contaminated with blood. Note: Paper products contaminated with blood may be disposed of in the regular trash unless saturated with blood. See s. NR 526.05 (Department of Natural Resources).

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (2), Register, May, 1999, No. 521, eff. 6-1-99.

**BC 4.07 Ear piercing.** Licensees performing ear piercing shall do all of the following:

(1) Wear disposable protective gloves. These gloves shall be changed between patrons and disposed of after each use. Hands shall be washed after removal of gloves.

(2) Thoroughly wash the skin area to be pierced with soap and water.

(3) Apply a topical antiseptic to the skin surface of the area to be pierced and allow the antiseptic to air dry.

(4) Sterilize earrings, needles, or other piercing instruments prior to insertion. Pre-sterilized earrings may be utilized.

(5) Prior to each use all other surfaces that come into contact with the skin of the patron should be subjected to intermediate level disinfection.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (intro.), (1), (3), (4) and (5), Register, May, 1999, No. 521, eff. 6-1-99.

**BC 4.08 Waxing.** Licensees performing depilation by waxing shall do all of the following:

(1) Apply a topical antiseptic to the skin surface of the area to be waxed and allow the antiseptic to air dry.

(2) Dispose of spatulas after each use.

(3) Dispose of wax and strips after each use.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (intro.), (1) and (2), Register, May, 1999, No. 521, eff. 6-1-99.

**BC 4.09 Electrolysis.** Licensees performing electrolysis shall:

(1) Use sterilized needles for each patron. This may be accomplished through the use of pre-sterilized disposable needles or through sterilization of needles immediately prior to use.

(2) Wear disposable protective gloves when working on a patron. These gloves shall be changed between patrons and disposed of following use. Hands shall be washed after removal of gloves.

(3) Thoroughly wash the skin area to be pierced with soap and water. Apply a topical antiseptic to the skin surface of the patron and allow the antiseptic to air dry prior to commencing electrolysis.

(4) Dispose of needles in a puncture resistant container specifically designed for disposal. Full sharps containers shall be disposed of appropriately.

**History:** Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (2), (3) and (4), Register, May, 1999, No. 521, eff. 6-1-99.

**BC 4.10 Manicuring.** (1) Licensees performing manicuring shall:

(a) Prior to use, all reusable manicure instruments shall be subjected to intermediate level disinfection or sterilization.

(b) Disinfectant used for decontamination shall be changed daily and shall be kept in a covered container.

(c) Sterilization shall be accomplished in accordance with s. BC 4.03.

(2) Manicure instruments that cannot be cleaned and disinfected or sterilized shall be disposed of following each use.

**History:** Cr. Register, May, 1993, No. 449, eff. 6-1-93; am. (1) (a) and (b), Register, May, 1999, No. 521, eff. 6-1-99.

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## Barbers and Cosmetologists Can Help Domestic Abuse Victims

Domestic abuse cases continue to grab our attention and the public is becoming increasingly aware of the physical and mental damage on those affected. There is more professional help available for people involved, including those who wish to help.

Barbers and cosmetologists have continual and consistent public contact with the same clients, making it easy for them to spot victims of domestic abuse.

While some of the signs of abuse are blatant, others are very subtle. With information and training about the signs of domestic abuse, barbers and cosmetologists can help victims.

Secretary Marlene Cummings has suggested that members of the barber and cosmetology profession become knowledgeable in the signs of domestic abuse and the role they can play in helping those affected.

## Subscription Service

Bi-annual digest subscriptions are published for all credentials in the Department at a cost of \$2.11 each per year. **CREDENTIAL HOLDERS RECEIVE THEIR REGULATORY DIGEST FREE OF CHARGE.** Others may send the fee and this form to the address listed above.

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## Disciplinary Actions

The Board and the Department took 69 disciplinary actions against licensees or other persons for providing services without the proper licenses, not disinfecting instruments, not properly washing hands, renting chairs without licenses and other similar violations.

The Board assessed forfeitures in these cases ranging from \$100 to \$1,000. Some of these actions are summarized below. Others will be published in the next issue of the Regulatory Digest. You may, however, review all of them at: <http://www.state.wi.us/agencies/drl/Regulation/html/publications2.html>

LAN T. NGUYEN, MANAGER  
WEST ALLIS, WI \$200 FORFEITURE  
Employed individuals who did not hold proper credentials. Effective 2/1/99. Secs. 454.15(2)(i), Stats. BC 2.04, 2.07 Case #LS99020110BAC

HUNG P. PHAM, MANICURIST  
d/b/a FANCY NAILS  
JANESVILLE WI \$200 FORFEITURE  
Rented a chair without holding a manicuring establishment license. Did not possess disinfectant registered as a tuberculocidal agent. Effective 2/1/99. Secs. 454.08(2)(d), 454.15(2)(i), Stats. BC 3.03(5), 4.10 Case #LS99020115BAC

HAI JOHN ANH NGUYEN, MANICURIST  
JANESVILLE WI \$1,000 FORFEITURE  
Rented chairs to individuals who did not hold manicuring establishment licenses. Did not disinfect or sterilize reusable manicure instruments. Did not possess a disinfectant registered as a tuberculocidal agent. Effective 2/1/99. Sec. 454.15(2)(i), Stats. BC 2.04, 2.06, 4.10 Case #LS9902019BAC

TUAN A. NGUYEN, MANICURIST  
d/b/a FANCY NAILS #6  
JANESVILLE WI \$100 FORFEITURE  
Operated salon without a manicuring establishment license. Effective 2/1/99. Secs. 454.08(2)(d), 454.15(2)(i), Stats. BC 3.03(5) Case #LS99020113BAC

LANCHI Q. NGUYEN, MANICURIST  
d/b/a FANCY NAILS #3  
JANESVILLE WI \$100 FORFEITURE  
Operated salon without a manicuring establishment license. Effective 2/1/99. Secs. 454.08(2)(d), 454.15(2)(i), Stats. BC 3.03(5) Case #LS99020111BAC

LARISA TARNOVSKY, AESTHETICIAN  
BAYSIDE WI \$300 FORFEITURE  
Employed without holding a current license. Effective 2/1/99. Sec. 454.04(1)(b), Stats. Case #LS99020118BAC

NGOC T. CAO, MANICURIST  
d/b/a FANCY NAILS #2  
JANESVILLE WI \$100 FORFEITURE  
Rented a chair without holding a manicuring establishment license. Effective 2/1/99. Secs. 454.08(2)(d), 454.15(2)(i), Stats. BC 3.03(5) Case #LS9902012BAC

LIVIA NGUYEN & TINA NGUYEN  
d/b/a PRO NAIL SALON  
MILWAUKEE WI \$300 FORFEITURE  
Did not disinfect reusable manicuring instruments. Employed individuals who did not hold licenses. Effective 2/1/99. Sec. 454.15(2)(i), Stats. BC 2.04(1), 4.10(1)(a) Case #LS99020112BAC

HANH XUAN TRAN, MANICURIST  
d/b/a K NAILS  
MONONA WI REPRIMAND/\$2000 COSTS  
Did not wash hands thoroughly between patrons. Did not follow proper procedures for exposure to blood. Permitted unlicensed persons to practice manicuring. Secs. 454.04(1)(d), 454.15(2)(i), Stats. BC 2.01(1), 2.03(1), (5), 4.05(1), 2.04(1), 2.06(1). Effective 2/1/99. Case #LS99020120BAC

TOMMY HO, MANICURIST  
d/b/a FANCY NAILS  
MILWAUKEE WI \$300 FORFEITURE  
Did not have sink separate from public toilet facilities available to clean equipment. Did not possess disinfectant registered with the US environmental protection agency as a tuberculocidal agent. Effective 2/1/99. Sec. 454.15(2)(a)(i), Stats. BC 3.01(6), 3.04(4), 3.05(3) Case #LS9902015BAC

DUNG ANH NGUYEN, OWNER  
d/b/a NAIL CITY  
MILWAUKEE WI \$100 FORFEITURE  
Establishment did not possess a disinfectant registered with the US environmental protection agency as a tuberculocidal agent. Effective 2/1/99. Sec. 454.15(2)(i), Stats. BC 4.10 Case #LS9902018BAC

ALFRED J. DEGEN, MANAGER  
d/b/a SOUTHWEST BARBERING CENTER  
MILWAUKEE WI \$100 FORFEITURE  
Rented a chair without holding an establishment license. Effective 2/1/99. Sec. 454.08(2)(a), Stats. BC 2.04, 2.06, 3.03(5) Case #LS9902013BAC

JACQUELINE IVORY, OWNER/MANAGER  
MILWAUKEE WI \$400 FORFEITURE  
Employed unlicensed individuals. Effective 2/1/99. Sec. 454.15(2)(i), Stats. BC 2.04(1), 3.01(1), 4.01(1) Case #LS9902016BAC

HOA PHAM, MANICURIST  
d/b/a FANTASSY NAILS  
JANESVILLE WI \$200 FORFEITURE  
Did not have a sink separate from the public toilet facilities available to clean equipment. Effective 2/1/99. Sec. 454.15(2)(a), (i), Stats. BC 3.04(4), 4.10(1)(b) Case #LS99020114BAC

SAU THI DINH, MANICURIST  
d/b/a LONG NAILS SALON  
LAKE GENEVA WI SURRENDER  
Florida manicurist license revoked based upon false representations that she had completed required training for the license at a Florida manicuring school. Effective 2/1/99. Sec. 454.15(2), Stats. Case #LS9808311BAC

MICHELLE D. SMITH, JR.  
d/b/a MICHELLE'S SALON  
MILWAUKEE WI \$200 FORFEITURE  
Operated salon without a manicuring establishment license. Did not possess a disinfectant registered with the U.S. environmental agency. Effective 2/1/99. Secs. 454.08(2)(d), 454.15(2)(i), Stats. BC 3.03(5), 4.10 Case #LS99020117BAC

DUC PHUOC TRAN, MANICURIST  
d/b/a LA NAILS  
WATERTOWN WI \$300 FORFEITURE  
Operated establishment without a manicuring establishment license. Did not possess a disinfectant registered with the U.S. environmental protection agency. Did not disinfect reusable manicure instruments prior to use. Effective 2/1/99. Secs. 454.08(1)(b), 454.15(2)(i), Stats. BC 2.06(1), 4.04(1), 4.10. Case #LS99020119BAC

MUNG T. LU, MANICURIST  
d/b/a ROSE'S NAILS  
GREENFIELD WI \$300 FORFEITURE  
Employed unlicensed individual. Did not disinfect or sterilize reusable manicure instruments prior to use on patrons. Did not possess a disinfectant registered as a tuberculocidal agent. Effective 2/1/99. Sec. 454.15(2)(i), Stats. BC 2.04(1), 2.06(1), 4.10 Case #LS9902017BAC

Department of Regulation and Licensing  
Barbering & Cosmetology Examining Board  
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## Telephone Directory

The Division of Business Licensure & Regulation has a menu telephone system which is designed to more efficiently direct the caller to the appropriate section. The telephone number for staff is:

**(608) 266-5511**

**NOTE: Please make sure you dial the 608 area code rather than 414. The Department does not have an office in Milwaukee.**

After dialing this number you are asked to press various menu choices. For the following requests, please press numbers as noted:

<b>Applications Forms</b>	<b>Press 11</b>
<b>Complaints Against Licensees</b>	<b>Press 12</b>
<b>Whether A Person is Licensed</b>	<b>Press 442</b>
<b>Application Processing &amp; Requirements</b>	<b>Press 42</b>
<b>FAX: (608) 267-3816</b>	

## Barbering & Cosmetology Meeting Dates in 2000

February 7, April 3, June 5, August 7, October 9, December 4  
Meetings are held at 1400 E. Washington Ave, Madison, WI and begin at 9:30 a.m.

## Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>

Copies of the Regulatory Digest are on the Web.

Send comments to [dorl@drl.state.wi.us](mailto:dorl@drl.state.wi.us)

## Wisconsin Statutes and Code

Copies of the Barbering & Cosmetology Examining Board Statutes and Administrative Code can be ordered through the Board Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated October, 1999.

## Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided.

**WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.**